

### **REMARKS**

Claims 1-83 are pending in the application. Claims 68-83 are withdrawn from consideration, without prejudice, in response to a Restriction Requirement. No amendments to the application are presented with this Reply.

### **Status of Application.**

Applicants acknowledge that the Office received and entered Applicants' prior response filed August 22, 2002.

### **Oath/Declaration**

Applicants acknowledge that the Office has withdrawn the previous objection to the declaration is withdrawn in view of the substitute declaration claiming priority to parent application U.S. 09/083,793.

### **Drawings**

Applicants acknowledge that the Office has considered and accepted the proposed corrections to the drawings. Formal Drawings will be prepared and submitted to the Office under separate cover.

### **Double Patenting**

Claims 1-67 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 91, 96-117, 122-129 and 141-143 of copending Application No. 09/083,793, for reasons of record.

Claims 1-67 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 91-93, 97-100 and 102-128 of copending Application No. 09/424,628, for reasons of record.

Claims 1-67 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-4, 42, 44-50, 55-61, 74, 77-79 and 81-94 of copending Application No. 09/773,692, for reasons of record.

CONFIDENTIAL

The Office acknowledged that each of the foregoing double patenting rejections are provisional rejections because the conflicting claims have not in fact been patented.

In view of the provisionality of the foregoing double patenting rejections, Applicants decline to address the merits of the subject rejections in the instant application, in order to advance the present case to issuance. Thus, the rejections will be addressed as non-provisional rejections in the allegedly conflicting applications identified above, following allowance of the instant case.

**Patentability Under 35 U.S.C. §§ 102 and 103**

Applicants acknowledge that the Office considers the subject matter of the examined claims to be free of the art. (Office Action, Paper No. 16, at page 3).

## CONCLUSION

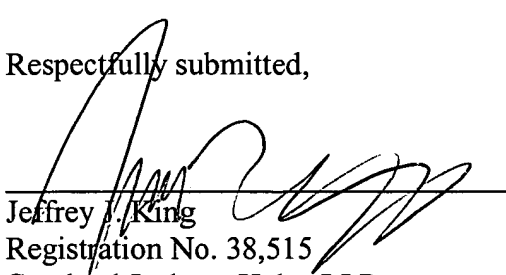
In view of the foregoing, Applicants believe that all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes that a telephone conference would expedite prosecution of this application, please telephone the undersigned at (425) 455-5575.

Attached hereto is an appendix detailing the status of claims in the application.

Date: 5/9/03

Respectfully submitted,

  
\_\_\_\_\_  
Jeffrey J. King  
Registration No. 38,515  
Graybeal Jackson Haley LLP  
155 - 108th Avenue N.E., Suite 350  
Bellevue, WA 98004-5901  
(425) 455-5575